

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Misc. No. 08-2045-AMS

UNITED STATES OF AMERICA

vs.

RUDY VILLANUEVA and
TONY LOGAN,

Defendants.

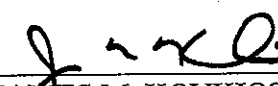
CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? ☐ Yes ☒ No
If yes, was it pending in the Central Region?
☐ Yes ☐ No
2. Did this matter originate from a matter pending in the United States Attorney's Office prior to April 1, 2003? ☐ Yes ☒ No
3. Did this matter originate from a matter pending in the Narcotics Section (Miami) of the United States Attorney's Office prior to May 18, 2003? ☐ Yes ☒ No
4. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? ☐ Yes ☒ No
5. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? ☐ Yes ☒ No

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY:


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United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

RUDY VILLANUEVA and
TONY LOGAN

CASE NUMBER: 08-2045-AMS

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. In or about December 2007, in Miami-Dade County, in the Southern District of Florida, the defendant, RUDY VILLANUEVA, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1); and, in or about December 2007, in Miami-Dade County, in the Southern District of Florida, the defendant, TONY LOGAN, did dispose of a firearm in and affecting interstate and foreign commerce to Rudy Villanueva, knowing that Villanueva has been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Section 922(d)(1).

I further state that I am a Special Agent with Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT


BRIAN G. EUSTICE, SPECIAL AGENT
IMMIGRATION AND CUSTOMS ENFORCEMENT

Sworn to before me, and subscribed in my presence,


JANUARY 16, 2008

Date

at Miami, Florida

City and State

ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Brian G. Eustice, being duly sworn do hereby depose and state the following:

1. I am a special agent with the Department of Homeland Security, Immigration and Customs Enforcement, Office of Investigations, Violent Gang Task Force, in Miami, Florida. I have been employed as a Special Agent with DHS/ICE since March of 2003. As such, I am a law enforcement officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 8, 18, 19, 21 and 50 of the United States Code. As a Special Agent with ICE-OI, I have received extensive training in the investigation of violations of Federal law and have conducted and participated in numerous investigations concerning violent criminal street organizations.

2. The information contained in this affidavit is based on my investigative knowledge, as well as information provided to me from other law enforcement officers. This affidavit is being submitted for the limited purpose of establishing probable cause for the arrests of Rudy VILLANUEVA and Tony LOGAN for violations of Title 18, United States Code, Sections 922(g)(1) and 922(d)(1), respectively. Accordingly, it does not contain all information obtained during this investigation.

3. For the last year, I have been working with the Miami Dade Police Department (MDPD) Special Investigations Division (SID), Gang Unit (GU), as part of a joint investigative task force, which, in turn, is part of the Multi-Agency Gang Task Force (MAGTF). The MAGTF has identified a criminal street gang called the Bird Road Boys (BRB), whose members live and reside along Bird Road in Midwest Miami-Dade County. The MAGTF has been able to identify several members of the organization, including Rudy VILLANUEVA and Tony LOGAN. VILLANUEVA,

who is also known as "King Bird Road," has been identified as the leader of the BRB for the last two years.

4. During the course of this investigation, the MAGTF discovered that a video starring VILLANUEVA and LOGAN was uploaded onto the public video database YouTube for public viewing on January 3, 2008. In the video, entitled "Bird Road Getting in Trouble," VILLANUEVA and LOGAN brandish firearms; specifically, VILLANUEVA brandishes a shotgun and an assault rifle, while LOGAN brandishes handguns and pulls the trigger several times. VILLANUEVA and LOGAN make threats to the Miami-Dade Police Department Gang Unit. Among other things, VILLANUEVA states, "Metro Dade Gang Unit, here I am baby" and claims that "we's out here fighting a cold war" and that "they come at us if they want to." Among other things, LOGAN challenges the police to "come get it, n—er" and shouts "Bird Road Boys" and flashes gang signs while pulling the triggers of the handguns. The posted date of the video was January 3, 2008. Investigators viewed the video on YouTube over the internet.

5. On January 16, 2008, investigators applied for and obtained a warrant to search LOGAN's residence, located at 9760 SW 184th Street, Apartment 4C, Miami, FL 33157, where the aforementioned video was filmed. The warrant was executed that evening. During the search, investigators located and seized, among other things, a Mossburg shotgun, an AK-47 semi-automatic rifle, a Colt .45 caliber pistol, a Barreta .40 caliber pistol and a Smith and Wesson .357 pistol, 780 rounds of .762 rounds of ammunition, and a small amount of .45 caliber, .40 caliber and .375 caliber ammunition; the shotgun and AK-47 appear to be identical to the firearms being held by VILLANUEVA in the video. Investigators also seized, among other things, three laptop computers and two unused computer towers.

6. LOGAN was present at his apartment at the time of the search. After being advised of and waiving his *Miranda* rights, LOGAN stated that the two long guns from the video were located inside a gun case in his closet. (The Mossburg shotgun and the AK-47 semi-automatic rifle were both found in a gun case in a closet.) LOGAN then invoked his right to counsel, but continued to initiate further communication and conversation with investigators. Among other things, LOGAN spontaneously stated that the video was made one month ago. After being re-advised of his *Miranda* rights, LOGAN again waived his rights and made a statement. Among other things, LOGAN stated the following: The guns in the video are his, but he has allowed VILLANUEVA to handle the guns on numerous occasions, even though he knows that VILLANUEVA is a convicted felon who is not allowed to possess firearms. The video was recorded by VILLANUEVA's girlfriend before Christmas 2007. LOGAN denied knowing how the video was posted to YouTube.

7. Earlier in the day on January 15, 2008, investigators questioned Rudy VILLANUEVA. After being advised of and waiving his *Miranda* rights, VILLANUEVA stated, among other things, the following: VILLANUEVA was in the video described above and has posed with guns approximately 12 times in the past. VILLANUEVA makes the types of threats contained in the video described above so that he will instill fear in people who will "roll up on me." VILLANUEVA and his girlfriend posted the video, along with several others, on YouTube about 2-3 weeks ago. VILLANUEVA described LOGAN's guns, including the pump shotgun and the AK-47, admitted holding them in the video, admitted knowing that they were real, and admitted handling them at LOGAN's residence on several occasions.

8. The Mossburg shotgun and the AK-47 semi-automatic rifle were both manufactured outside the state of Florida.

9. A criminal record check revealed that VILLANUEVA has been convicted of three felonies, in 1996, 2003 and 2004, respectively.

10. Based on the information contained in this affidavit, I submit that there is probable cause to believe that Rudy VILLANUEVA, a convicted felon, possessed a firearm in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1), and that Tony LOGAN disposed of a firearm in and affecting interstate and foreign commerce to VILLANUEVA knowing that VILLANUEVA has been convicted of a felony offense, in violation of Title 18, United States Code, Section 922(d)(1).

FURTHER AFFIANT SAYETH NOT.


BRIAN G. EUSTICE, SPECIAL AGENT
IMMIGRATION AND CUSTOMS ENFORCEMENT

Subscribed and sworn to before
me this 16th day of January, 2008.


ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE